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OFFICE OF PETITIONS

In re Patent No. 6,404,779 :
Issue Date: June 11, 2002 :
Application No. 09/120,448 : ON PETITION
Filed: July 22, 1998 :
Attorney Docket No.: 007226.00003 :

This is a decision on the renewed petition under 37 CFR 1.378(e), filed February 27, 2012, requesting reconsideration of a prior decision which refused to accept the delayed payment of a maintenance fee under 37 CFR 1.378(c) for the above identified patent.

The petition is not signed by a registered patent attorney or agent of record. However, in accordance with 37 CFR 1.34, the signature of Ernest V. Linek appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

This patent expired on June 11, 2010 for failure to pay the second maintenance fee. On January 23, 2012, a petition under the provisions of 37 CFR 1.378(c) was filed; however, the petition was dismissed in a decision mailed February 23, 2012. In response on February 27, 2012, the present petition was filed, including the \$400 petition fee set forth in 37 CFR 1.17(f).

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2).

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nonetheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office. Receipt is acknowledged of the requisite maintenance fee and surcharge.

In view of the above, the 7 1/2 year maintenance fee in this case is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Petitioner will not receive future correspondence related to maintenance fees for the patent unless a "Fee Address" Indication Form (see PTO/SB/47) and Request for Customer Number (see PTO/SB/125) are submitted.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions